

IC 35-47-2.5

Chapter 2.5. Sale of Handguns

IC 35-47-2.5-1

Applicability of chapter

Sec. 1. This chapter does not apply to the following:

(1) Transactions between persons who are licensed as firearms importers or collectors or firearms manufacturers or dealers under 18 U.S.C. 923.

(2) Purchases by or sales to a law enforcement officer or agent of the United States, the state, or a county or local government.

(3) Indiana residents licensed to carry handguns under IC 35-47-2-3.

As added by P.L.17-1997, SEC.8.

IC 35-47-2.5-2

"Dealer" defined

Sec. 2. As used in this chapter, "dealer" includes any person licensed under 18 U.S.C. 923.

As added by P.L.17-1997, SEC.8.

IC 35-47-2.5-3

Criminal history information; consent form

Sec. 3. (a) Notwithstanding any other law, a person purchasing a handgun from a dealer shall consent in writing, on a form to be provided by the superintendent, to have the dealer obtain criminal history information.

(b) The form shall include, in addition to the information required by section 4 of this chapter, the same information required to be included on the firearms transaction record required by federal regulations administered by the Bureau of Alcohol, Tobacco, and Firearms of the United States Department of the Treasury. However, the form may not include any information related to the handgun.

(c) The copies of the forms shall be mailed or delivered to the state police department before the last day of the month following the sale.

As added by P.L.17-1997, SEC.8.

IC 35-47-2.5-4

Dealer requirements before sale, rent, trade, or transfer

Sec. 4. A dealer may not sell, rent, trade, or transfer from the dealer's inventory a handgun to a person until the dealer has done all of the following:

(1) Obtained from the prospective purchaser written consent to a criminal history check, as specified in section 3 of this chapter.

(2) Provided the state police department with the prospective purchaser's name, birth date, gender, race, Social Security number, and any other identification required of the prospective purchaser.

(3) Requested and received criminal history information from the state police department by means of:

(A) a telephone call; or

(B) other electronic means.

As added by P.L.17-1997, SEC.8.

IC 35-47-2.5-5

Documentation of personal identification and residence

Sec. 5. (a) To establish personal identification and residence in Indiana for purposes of this chapter, a dealer must require a prospective purchaser to present one (1) photographic identification form issued by a governmental agency of the state or by the United States Department of Defense, or other documentation of residence.

(b) Except when photographic identification was issued by the United States Department of Defense, other documentation of residence must show an address identical to that shown on the photographic identification form or as amended by proper notice of change of address filed with the issuing authority. Suitable other documentation of residence includes:

(1) evidence of currently paid personal property tax or real estate tax, a current lease, utility, or telephone bill, a voter registration card, a bank check, a passport, an automobile registration, or a hunting or fishing license;

(2) other current identification allowed as evidence of residency by 27 CFR 178.124 and United States Alcohol, Tobacco, and Firearms Ruling 79-7; or

(3) other documentation of residence, determined to be acceptable by the state police department, that corroborates that the prospective purchaser currently resides in Indiana.

(c) If the photographic identification was issued by the United States Department of Defense, permanent orders may be used as documentation of residence.

As added by P.L.17-1997, SEC.8.

IC 35-47-2.5-6

Criminal history check; duties of state police department

Sec. 6. Upon receipt of a request for a criminal history check under this chapter, the state police department shall:

(1) review its criminal history information to determine if the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law;

(2) inform the dealer if the state police department's record indicates that the buyer or transferee is a prohibited buyer or transferee; and

(3) provide the dealer with a unique reference number for the inquiry.

As added by P.L.17-1997, SEC.8.

IC 35-47-2.5-7

Criminal history check; response time

Sec. 7. (a) The state police department shall provide its response to a requesting dealer under section 6 of this chapter during the dealer's call, or by return call without delay.

(b) If a criminal history check indicates that a prospective purchaser or transferee has a disqualifying criminal record or has been acquitted by reason of insanity and committed to the custody of the division of mental health, the state police department has until the end of the next business day of the state police department to advise the dealer that the records indicate the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law.

(c) If a dealer:

(1) is not advised of a prohibition before the end of the next business day of the state police department; and

(2) has fulfilled the requirements of section 4 of this chapter; the dealer may immediately complete the sale or transfer and may not be considered in violation of this chapter with respect to the sale or transfer.

(d) In case of electronic failure or other circumstances beyond the control of the state police department, the dealer shall be advised immediately of the reason for the delay and be given an estimate of the length of the delay. However, after a notification under this subsection, the state police department shall inform the requesting dealer whether state police department records indicate the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law:

(1) by the end of the next business day of the state police department following correction of the problem that caused the delay; or

(2) within three (3) business days of the state police department; whichever time limit occurs earlier.

(e) A dealer that fulfills the requirements of section 4 of this chapter and is told by the state police department that a response will not be available under subsection (d) may immediately complete the sale or transfer and may not be considered in violation of this chapter with respect to the sale or transfer.

As added by P.L.17-1997, SEC.8. Amended by P.L.97-2004, SEC.125.

IC 35-47-2.5-8

Maintenance of records by state police department; log of requests

Sec. 8. (a) Except as otherwise provided in this section, the state police department may not maintain records in any form, including a computer data base, longer than thirty (30) days after a dealer's request for a criminal history check concerning a buyer or transferee who is not found to be prohibited from possessing and transporting a firearm under state or federal law.

(b) A log of requests made to the state police department may be maintained for not more than twelve (12) months, if the log consists only of:

- (1) the name of the purchaser;
- (2) the dealer identification number;
- (3) the unique approval number;
- (4) the transaction date; and
- (5) a record indicating that the fee collected by the dealer under section 11 of this chapter has been transferred to the state police department.

As added by P.L.17-1997, SEC.8. Amended by P.L.68-1999, SEC.1.

IC 35-47-2.5-9

Erroneous criminal history information; right to access, review, and correct record

Sec. 9. If a buyer or transferee is denied the right to purchase a handgun under this chapter because of erroneous criminal history information, the buyer or transferee may exercise the right of access to and review and correction of criminal history information under IC 10-13-3-31.

As added by P.L.17-1997, SEC.8. Amended by P.L.2-2003, SEC.97.

IC 35-47-2.5-10

Criminal history check; violations in obtaining, maintaining, or disseminating criminal history information

Sec. 10. A person who knowingly or intentionally:

- (1) requests, obtains, or seeks to obtain under false pretenses;
- (2) wrongfully maintains; or
- (3) disseminates or seeks to disseminate;

criminal history information except as authorized in this chapter commits a Class A misdemeanor.

As added by P.L.17-1997, SEC.8.

IC 35-47-2.5-11

Criminal history check; fees

Sec. 11. (a) All licensed firearms dealers shall collect a fee of three dollars (\$3) for every transaction for which a criminal history check is required under this chapter. The fee must be transferred to the state police department before the last day of the month following the sale.

(b) The state police department shall deposit the fees received under this section in a special fund for use in offsetting the cost of conducting criminal history checks under this chapter.

As added by P.L.17-1997, SEC.8.

IC 35-47-2.5-12

Criminal history check; false statement on consent form

Sec. 12. A person who knowingly or intentionally makes a materially false statement on the consent form required by section 3 of this chapter commits a Class D felony.

As added by P.L.17-1997, SEC.8.

IC 35-47-2.5-13

Dealer violations

Sec. 13. Except as otherwise provided in this chapter, a dealer who knowingly or intentionally sells, rents, trades, or transfers a handgun in violation of this chapter commits a Class A misdemeanor. *As added by P.L.17-1997, SEC.8.*

IC 35-47-2.5-14**Providing handgun to ineligible purchaser; exemptions**

Sec. 14. (a) This section does not apply to a person who provides a handgun to the following:

- (1) A child who is attending a hunters safety course or a firearms safety course or an adult who is supervising the child during the course.
- (2) A child engaging in practice in using a firearm for target shooting at an established range or in an area where the discharge of a firearm is not prohibited or is supervised by:
 - (A) a qualified firearms instructor; or
 - (B) an adult who is supervising the child while the child is at the range.
- (3) A child engaging in an organized competition involving the use of a firearm or participating in or practicing for a performance by an organized group under Section 501(c)(3) of the Internal Revenue Code that uses firearms as a part of a performance or an adult who is involved in the competition or performance.
- (4) A child who is hunting or trapping under a valid license issued to the child under IC 14-22.
- (5) A child who is traveling with an unloaded firearm to or from an activity described in this section.
- (6) A child who:
 - (A) is on real property that is under the control of the child's parent, an adult family member of the child, or the child's legal guardian; and
 - (B) has permission from the child's parent or legal guardian to possess a firearm.

(b) A person who purchases a handgun with the intent to:

- (1) resell or otherwise provide the handgun to another person who the person knows or has reason to believe is ineligible for any reason to purchase or otherwise receive from a dealer a handgun; or
- (2) transport the handgun out of the state to be resold or otherwise provided to another person who the transferor knows is ineligible to purchase or otherwise receive a firearm;

commits a Class D felony.

(c) If the violation of this section involves a transfer of more than one (1) handgun, the offense is a Class C felony.

As added by P.L.17-1997, SEC.8.

IC 35-47-2.5-15**Ineligible purchaser attempting to purchase handgun; violation**

Sec. 15. (a) A person who is ineligible to purchase or otherwise receive or possess a handgun in Indiana who knowingly or intentionally solicits, employs, or assists any person in violating section 14 of this chapter commits a Class D felony.

(b) If the violation involves a transfer of more than one (1) handgun, the offense is a Class C felony.

As added by P.L.17-1997, SEC.8.